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FACSIMILE COVER LETTER

FROM: Robert Hardy Falk

DATED: 3-6-2000

SENDER'S PHONE NO.: (214) 954-4400

NUMBER OF PAGES (INCLUDING COVER): 9

TIME IN: 10:00 a.m. CDT

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: John Hilten, S.P.E.

FIRM/COMPANY: PTO, Group 2854

OUR CLIENT/MATTER NO.: WILL 2501

OFFICE TELEPHONE NO.: _____

FAX TELEPHONE NO.: (703) 308 5841

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Mar 7, 2000
JMB

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March 6, 2000

John Hilten, Esq.,
Supervisory Primary Examiner,
Group Art Unit 2854
United States Patent and Trademark Office,
Room 9E16
Crystal Plaza IV
2201 South Clark Place
Arlington, VA 22201

VIA FACSIMILE AND EXPRESS
MAIL, 37 C.F.R. 1.10

Re: Serial Number 09/315,796;
For: COMBINED LITHOGRAPHIC/FLEXOGRAPHIC
PRINTING APPARATUS AND PROCESS;
Filing Date (Reissue): May 20, 1999;
Applicants: Bill Davis et al.;
Our File: WILL 2501

Dear Mr. Hilton:

Last Friday evening, I received at the post office box listed above the first office action on the merits in this case.

I petition pursuant to Rule 1.181(a), and if necessary, 37 C.F.R. Sec. 1.17, 1.182 - 1.183 for remailing of the office action and resetting of the time for the commencement of the period of response. Even though the error is not mine or applicant's, the original of this letter is submitted to you with a Rule 17 fee of \$130 in an abundance of caution, although applicant contends as governmental error and Rule 181 applies, no fee is due.

The outside of the envelope (Exhibit 1) shows the actual mailing date of the action to be the 9th, not the 8th. Second, the date on the first page of the action is the 8th, inconsistent with the 9th (Exhibit 2). Examiner Funk signed his paper on the 3rd. Applicants petition the examiner under the above rules and the reasons set forth in M.P.E.P. 710.06. The PALM date on page 1 of the office action (Exhibit 2) was incorrect, and therefore the action contained "some other defect" (M.P.E.P. 710.06) for which the Office should restart the period. Applicant's counsel changed business office addresses but informed the Post Office of the new address; apparently the February 9-mailed action was unreasonably delayed in transit to the post office box, and received only last Friday, March 3, 2000. A "substantial portion" of the set reply period has therefore run. Our firm changed offices last August, and immediately gave notice to the post office of the address change. The evidence required by M.P.E.P. 710.06 is therefore tendered,

John Hilten, Esq.
March 6, 2000
Page Two.

and therefore petition is made to reset the date and remail the office action. The mailman should have delivered/returned the mail.

The undersigned can be reached at the following address and telephone numbers, and request is made of the Office to update its records:

Robert Hardy Falk
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Post Office Box 794948
Dallas, Texas 75397
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Fax.: (214) 969 5941
e-mail: falk@patent.net
Mobile tel.: (214) 695 3402

In the event the petition is denied, request is made in view of the discrepancy between exhibits 1 and 2 as to when the period began: it should begin, always, no later than the date of actual mailing, here February 9, 2000, so that the period would begin at that time and end March 10, 2000.

Respectfully submitted,



Robert Hardy Falk
Reg. No. 27,877
Attorney for applicants

Enclosures.

VERIFICATION

I certify that the above statements are true and correct, pursuant to 18 U.S.C. 1001.


Robert Hardy Falk

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this paper has been transmitted today by facsimile to counsel for Protestor, William Harris, at his office in Dallas.


Robert Hardy Falk

03315796-052000

Exhibit 1

0915796 052019
660250 9625TE60

660250 9625760

TER 10 DAYS RETURN TO:

Organization 10 2800 Bldg./Rm. CP4

U.S. DEPARTMENT OF COMMERCE

PATENT AND TRADEMARK OFFICE

WASHINGTON, D.C. 20231

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PENALTY FOR PRIVATE USE, \$300

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75379

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75379

FALK VESTAL & FISH 214-969-5941
NOTIFY SENDER OF NEW ADDRESS
PO BOX 75379
DALLAS TX 75379-4749

42

75379+2843

09315796-052099

Exhibit 2

**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/315,796	05/20/99	DAVIS	8 WILL-2507

ROBERT HARDY FALK
FALK & FISH LLP
700 NORTH PEARL STREET
SUITE 970 LB 366
DALLAS TX 75201

NO. 1/0.206

EXAMINER

FUNK, S

ART UNIT

PAPER NUMBER

0354

DATE MAILED:

02/08/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

09/315,796-052099

093159696250

Exhibit 3

Serial No. 09/315,796
Art Unit 2854

-9-

Applicant's amendments to the specification and prior art are deemed to be merely typographical errors and are accepted without additional comment. The amendments to claims 29 and 34 are not deemed to change the scope of the claims as "over" and "on top of" are used interchangeably in the original disclosure and are considered to have the same meaning. Accordingly, there is no objection to these claims as the scope, for purposes of examination, has not changed.

A shortened statutory period for response to this action is set to expire **ONE MONTH** from the date of this letter.

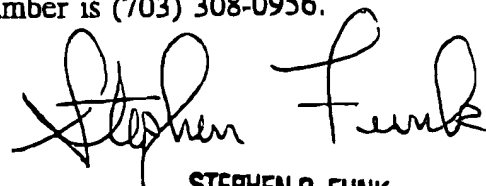
Due to the related litigation status of this reissue application, extensions of time under the provisions of 37 C.F.R. § 1.136(a) will **NOT** be permitted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Funk whose telephone number is (703) 308-0982. The examiner can normally be reached on Monday - Thursday from 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hilten, can be reached at (703) 308-0719. The fax number for incoming official papers is (703) 308-7722, 7724. The fax number for informal papers in Art Unit 2854 is (703) 308-5841.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Stephen Funk
February 3, 2000


STEPHEN R. FUNK
PRIMARY EXAMINER

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